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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,804	09/06/2006	J. Michael Lucas	06005/41116	4742
45372	7590	10/02/2008		
MARSHALL, GERSTEIN & BORUN LLP (FISHER) 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER	
			BARNES-BULLOCK, CRYSTAL JOY	
			ART UNIT	PAPER NUMBER
			2121	
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			10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,804	Applicant(s) LUCAS ET AL.
	Examiner Crystal J. Barnes Bullock	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14,17-31,33,34,36 and 38-42 is/are rejected.
- 7) Claim(s) 15,16,32,35 and 37 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 September 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) *Notice of Draftsperson's Patent Drawing Review (PTO-544)*
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-42 are pending in this application.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 365(c).

Information Disclosure Statement

3. The examiner has considered the information disclosure statements (IDS) submitted on 25 August and 6 May 2008 and 7 May and 16 February 2007.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14, 17-31, 33, 34, 36, 38-42 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,421,571 B1 to Spriggs et al.

As per claim 1, the Spriggs et al. reference discloses a configuration system for use in a process plant having a plurality of physical and logical process entities which operate together to perform a process and a process controller communicatively connected to the plurality of physical and logical process entities to implement a control routine to control the operation of the process plant, the configuration system comprising: an executable graphic display (see column 5 line 62-65, "display module 100") that includes one or more visual depictions (see columns 14-15 lines 65-2, "graphical enterprise or asset view 160") to be displayed on a display device ("GUI 102") when the graphic display ("display module 100") is executed, a parameter memory (see column 6 lines 11-13, "relational database 82") adapted to store a value ("data") of a parameter ("data acquisition devices 60") and a binding memory (see column 6 lines 49-54, "utilities module 200") adapted to store a reference ("configuration module 202") for communicatively connecting the parameter memory ("relational database 82") to a data source (see column 6 lines

8-10, "data acquisition devices 60") within the process plant (see figs. 1 & 2, "plant assets PA"); a configuration database (see column 9 lines 53-55, "configuration database 86") that stores an indication of the physical and logical process entities (see column 6 lines 8-10, "transducers/sensors 70") and an indication of the executable graphic display ("display module 100"); and a configuration engine (see column 10 lines 15-21, "configuration module 202") that enables a user to configure the operation of the graphic display ("display module 100") by associating the graphic display ("display module 100") within the configuration database ("configuration database 86") with one of the indications of the physical and logical process entities ("transducers/sensors 70") within the configuration database ("configuration database 86").

As per claim 2, the Spriggs et al. reference discloses the configuration engine ("configuration module 202") determines a reference ("configuration module 202") to be stored in the binding memory ("utilities module 200") based on the identity of the one of the physical and logical process entities ("transducers/sensors 70") to which the graphic display ("display module 100") is associated.

As per claim 3, the Spriggs et al. reference discloses the configuration database ("configuration database 86") stores the indication of the executable graphic display (see columns 14-15 lines 65-2, "graphical enterprise or asset view 160") in a library section (see fig. 16, "configuration module 202") indicating that the executable graphic display ("graphical enterprise or asset view 160") is not bound to the data source ("data acquisition devices 60") within the process plant ("plant assets PA") and wherein the configuration database ("configuration database 86") stores the indications of the physical and logical process entities ("transducers/sensors 70") in a manner that indicates the manner in which these physical and logical process entities ("transducers/sensors 70") are configured in the process plant ("plant assets PA").

As per claim 4, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a control routine (see column 12 lines 48-51, "data acquisition connection manager module 42") and the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the control routine ("data acquisition connection manager module 42").

As per claim 5, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a plant area ("plant assets PA") and the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the plant area ("plant assets PA").

As per claim 6, the Spriggs et al. reference disclose the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of an equipment entity ("plant assets PA") and the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the equipment entity ("plant assets PA").

As per claim 7, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a display device ("plant assets PA") and the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the display device ("plant assets PA").

As per claim 8, the Spriggs et al. reference discloses the display device ("plant assets PA, display 100") includes a functional subsystem (see column 6 lines 28-31, "basic navigation/operator display and full machinery management display") and wherein the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the functional subsystem ("basic navigation/operator display and full machinery management display") of the display device ("plant assets PA, display 100").

As per claim 9, the Spriggs et al. reference discloses the executable graphic display ("graphical enterprise or asset view 160") includes an indication of a role (see column 6 lines 28-31, "two levels of display") associated with the executable graphic display ("graphical enterprise or asset view 160") and wherein the configuration engine ("configuration module 202") associates the executable graphic display ("graphical enterprise or asset view 160") with the functional subsystem ("basic navigation/operator display and full machinery management display") of the display device ("plant assets PA, display 100") according to the role ("two levels of display") associated with the graphic display.

As per claim 10, the Spriggs et al. reference discloses the functional subsystem ("basic navigation/operator display and full machinery management display") of the display device ("plant assets PA, display 100") is an operator subsystem ("basic navigation/operator display") or a maintenance subsystem ("full machinery management display") or a simulation subsystem.

As per claim 11, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a first logical entity ("transducers/sensors 70") and the configuration engine ("configuration module 202") assigns the executable graphic display ("graphical enterprise or asset view 160") to a display device ("display 100") associated with the first logical entity ("transducers/sensors 70") when the configuration engine ("configuration module 202") associates the executable graphic display ("graphical enterprise or asset view 160") with the first logical entity ("transducers/sensors 70").

As per claim 12, the Spriggs et al. reference discloses the first logical entity ("transducers/sensors 70") is a control area or a control module ("transducers/sensors 70").

As per claim 13, the Spriggs et al. reference discloses the executable graphic display ("graphical enterprise or asset view 160") includes an indication of a role (see column 6 lines 28-31, "two levels of display") associated with the executable graphic display ("graphical enterprise or asset view 160") and wherein the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be used according to the role ("two levels of display") when associated with the one of the physical and logical process entities ("transducers/sensors 70").

As per claim 14, the Spriggs et al. reference discloses the configuration database (see column 18 lines 11-15, "configuration database 86") stores one or more unassigned executable graphic displays (see column 20 lines 18-28, "plot configurations") in one section of the configuration database ("configuration database 86") and stores one or more assigned executable graphic displays ("plot group configuration") in another section of the configuration database ("configuration database 86").

As per claim 17, the Spriggs et al. reference discloses the configuration database ("configuration database 86") stores the executable graphic display ("graphical enterprise or asset view 160") according a role (see column 6 lines 28-

31, "two levels of display") defined for the executable graphic display ("graphical enterprise or asset view 160").

As per claim 18, the Spriggs et al. reference discloses the configuration database ("configuration database 86") manages the visual depictions ("graphical enterprise or asset view 160") of the executable graphic display ("graphical enterprise or asset view 160") separately from the binding ("utilities module 200") of the executable graphic display ("graphical enterprise or asset view 160").

As per claim 19, the Spriggs et al. reference discloses a method of configuring a process plant to include graphic displays for execution on one or more display devices with the process plant, the method comprising: defining one or more executable graphic displays (see columns 14-15 lines 65-2, "graphical enterprise or asset view 160") for use in the process plant (see figs. 1 & 2, "plant assets PA"); storing an indication of the physical and logical process entities (see column 6 lines 8-10, "transducers/sensors 70") within a configuration database (see column 9 lines 53-55, "configuration database 86"); storing an indication of the one or more executable graphic displays ("graphical enterprise or asset view 160") in the configuration database ("configuration database 86"); and enabling a user to configure (see column 10 lines 15-21, "configuration module 20") the operation of

the executable graphic displays ("graphical enterprise or asset view 160") by associating the indications of the one or more executable graphic displays ("graphical enterprise or asset view 160") within the configuration database ("configuration database 86") with the indications of the one or more physical and logical process entities ("transducers/sensors 70") within the configuration database ("configuration database 86").

As per claim 20, the rejection of claim 1 is incorporated and further claim 20 contains limitations recited in claim 1; therefore claim 20 is rejected under the same rational as claim 1.

As per claim 21, the rejection of claim 2 is incorporated and further claim 21 contains limitations recited in claim 2; therefore claim 21 is rejected under the same rational as claim 2.

As per claim 22, the rejection of claim 3 is incorporated and further claim 22 contains limitations recited in claim 3; therefore claim 22 is rejected under the same rational as claim 3.

As per claim 23, the rejection of claim 4 is incorporated and further claim 23 contains limitations recited in claim 4; therefore claim 23 is rejected under the same rational as claim 4.

As per claim 24, the rejection of claim 5 is incorporated and further claim 24 contains limitations recited in claim 5; therefore claim 24 is rejected under the same rational as claim 5.

As per claim 25, the rejection of claim 6 is incorporated and further claim 25 contains limitations recited in claim 6; therefore claim 25 is rejected under the same rational as claim 6.

As per claim 26, the rejection of claim 7 is incorporated and further claim 26 contains limitations recited in claim 7; therefore claim 26 is rejected under the same rational as claim 7.

As per claim 27, the rejection of claim 8 is incorporated and further claim 27 contains limitations recited in claim 8; therefore claim 27 is rejected under the same rational as claim 8.

As per claim 28, the rejection of claim 13 is incorporated and further claim 28 contains limitations recited in claim 13; therefore claim 28 is rejected under the same rational as claim 13.

As per claim 29, the rejection of claim 11 is incorporated and further claim 29 contains limitations recited in claim 11; therefore claim 29 is rejected under the same rational as claim 11.

As per claim 30, the rejection of claim 12 is incorporated and further claim 30 contains limitations recited in claim 12; therefore claim 30 is rejected under the same rational as claim 12.

As per claim 31, the rejection of claim 14 is incorporated and further claim 31 contains limitations recited in claim 14; therefore claim 31 is rejected under the same rational as claim 14.

As per claim 33, the rejection of claim 17 is incorporated and further claim 33 contains limitations recited in claim 17; therefore claim 33 is rejected under the same rational as claim 17.

As per claim 34, the rejection of claim 18 is incorporated and further claim 34 contains limitations recited in claim 18; therefore claim 34 is rejected under the same rational as claim 18.

As per claim 36, the rejection of claim 17 is incorporated and further claim 36 contains limitations recited in claim 17; therefore claim 36 is rejected under the same rational as claim 17.

As per claim 38, the rejection of claim 10 is incorporated and further claim 38 contains limitations recited in claim 10; therefore claim 38 is rejected under the same rational as claim 10.

As per claim 39, the rejection of claim 10 is incorporated and further claim 39 contains limitations recited in claim 10; therefore claim 39 is rejected under the same rational as claim 10.

As per claim 40, the rejection of claim 10 is incorporated and further claim 40 contains limitations recited in claim 10; therefore claim 40 is rejected under the same rational as claim 10.

As per claim 41, the rejection of claim 8 is incorporated and further claim 41 contains limitations recited in claim 8; therefore claim 41 is rejected under the same rational as claim 8.

As per claim 42, the rejection of claim 6 is incorporated and further claim 42 contains limitations recited in claim 6; therefore claim 42 is rejected under the same rational as claim 6.

Allowable Subject Matter

6. Claims 15, 16, 32, 35 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to process plant configuration systems:

USPN 7,330,768 B2 to Scott et al.

USPN 7,146,231 B2 to Schleiss et al.

USPN 7,043,311 B2 to Nixon et al.

US Pub. No. 2005/0222698 A1 to Eryurek et al.

US Pub. No. 2005/0096871 A1 to Blevins et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes Bullock whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571.272.3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Crystal J. Barnes Bullock/
Primary Examiner, Art Unit 2121
29 September 2008